

AGENDA MEMO

CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-17737 - APPLICANT/OWNER: DURANGO
STRUCTURES, LLC**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the conditions for Site Development Plan Review (SDR-17735) if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Restaurant with drive-through in the Town Center Master Plan Area. The application is a companion item for a Site Development Plan Review for a 42,790 square-foot Retail Shopping Center. Due to the site layout, the applicant has requested a waiver to the Town Center Development Standards Manual to allow 15 feet of perimeter landscape buffer adjacent to a drive-through aisle where 25 feet is required.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/07/98	The City Council approved a Rezoning (Z-0076-98) to TC (Town Center) of a 1,468-acre portion of the Northwest. The subject site was not included within the 1998 Rezoning area.
11/07/01	The City Council approved the Town Center Development Standards Manual through Bill No. 2001-100.
05/01/02	The City Council approved Extension of Time applications U-0149-99(1) for a Supper Club and U-156-99(1) for a Liquor Establishment (Off Premise Consumption) with two year time limits.
7/12/06	The City Council approved a request for an Extension of Time (EOT-13647) of an approved Special Use Permit (U-0149-99) that allowed a Supper Club adjacent to the northeast corner of Centennial Parkway and Durango Drive
01/11/07	The Planning Commission recommended approval of companion item SDR-17735 concurrently with this application.
	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #16/mh).
<i>Related Building Permits/Business Licenses</i>	
NA	NA
<i>Pre-Application Meeting</i>	
08/23/06	At the pre-application meeting, the applicant was informed that Fire had a concern about the parking deck and that the building may need to have a sprinkler system. Public Works indicated that a dedication of a turn lane may be required. Cul-de-sac Juliano or vacate and turn into a private drive would be necessary. The applicant was further advised that an amenity zone in the cul-de-sac may be required per Town Center Design Standards. Additionally, the applicant was informed that the buildings needed to be pushed forward per Town Center Standards. The applicant indicated that they will hold a neighborhood meeting.
<i>Neighborhood Meeting</i>	
11/02/06	The applicant states that a neighborhood meeting was held. However, there are no notes regarding time, place, or attendance submitted with the file.

Details of Application Request	
Site Area	
Net Acres	3.82 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property:	Undeveloped	SC-TC (Service Commercial- Town Center)	T-C (Town Center)
North:	Beltway	ROW	T-C (Town Center)
South:	Commercial & Single Family Dwellings	SC-TC (Service Commercial- Town Center) SX-TC (Suburban Mixed -Town Center)	T-C (Town Center)
East:	Undeveloped	SC-TC (Service Commercial- Town Center)	T-C (Town Center)
West:	Undeveloped	SC-TC (Service Commercial- Town Center) & ROW	T-C (Town Center)

Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C Town Center District	X		N*
Trails	X		NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

***Town Center**

Development within Town Center will be subject to the Town Center Development Standards and the Town Center Land Use chapter of the Centennial Hills Sector Plan.

INTERAGENCY ISSUES

Pursuant to 1999 Statutes of Nevada, Chapter 481 the proposed project is deemed to be a “project of significant impact” for the following reasons:

- 1) A commercial or industrial facility generating more than 3,000 average daily vehicle trips.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period. No comments have been received prior to the completion of this report.

Pursuant to Title 19.10, the following parking standards apply:

In addition to Table 23-112, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Retail Center	41,169 sq ft*	1: 250 sq ft	165	7	284	3	
TOTAL (including handicap)			165	7**	284	3***	N
Loading Spaces			3		4		Y

*Due to a series of revisions, the applicant has reduced the Gross Floor Area of the Retail Center from the advertised 42,790 square feet to the current Gross Floor Area of 41,169 square feet.

**Handicapped accessible spaces are determined from the total parking stalls provided. As the proposed plans show 284 stalls, there shall be accommodation for a total of 7 spaces

***The site plans show 11 handicapped accessible parking spaces where only three are in compliance with Title 19.10. Per Figure 4 of *Title 19.10.010(K)*, five-foot loading zones are required on each side of the parking stall. As there is abundant space for handicapped accessible parking, a condition for approval has been placed to adequately re-stripe the provided handicap spaces so as to comply with Title 19.10.

Waivers		
Request	Requirement	Staff Recommendation
To allow 15 feet of perimeter landscape buffer adjacent to a drive-through aisle.	25 feet	Denial

ANALYSIS

This request for a Special Use Permit for a Restaurant with a drive-through requires is a companion item with Site Development Plan Review (SDR-17735). Typically, for drive-through lanes in Town Center the principal building is located at the front setback line in accordance with the applicable setback requirements, with the drive-through lane located to the side or the rear of the principal building. A waiver to the to the Town Center Design Standards Manual to allow 15 feet of perimeter landscape buffer adjacent to a drive-through aisle where 25 feet is required has been requested. Staff is recommending denial as this proposal is acting in part of a project in whole that does not substantially meet the intent of the Town Center Development.

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**
- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**
- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**
- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**
- 5. The use meets all of the applicable conditions per Title 19.04.**

In regard to “1”:

The drive-through as proposed cannot be conducted in a manner that is harmonious with Town Center Standards unless it meets the minimum landscape buffer requirement.

In regard to “2”:

The subject site is physically capable of accommodating the drive through while meeting the landscape buffer requirements.

In regard to “3”:

Centennial Parkway is designated as 90-foot wide Town Center Frontage Road and Juliano Avenue is designated as an 80-foot wide Town Center Collector. Both rights-of-way will provide adequate access to the subject site.

In regard to “4”:

The proposed drive-through use will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety, and welfare; however, the proposed drive through is not consistent with the Town Center Development Standards.

In regard to “5”:

The proposed drive through meets Title 19.04 requirements; however, it does not meet the Town Center Development Standards Manual.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 4

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 76 by City Clerk

APPROVALS 0

PROTESTS 0